

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 3-36, 102, 103, and 133-142 are pending in this case. Claim 1 is canceled without prejudice or disclaimer and Claims 3-6, 8, 9, and 14 are amended by the present amendment. As amended Claims 3-6, 8, 9, and 14 are supported by the original claims, no new matter is added.

In the outstanding Office Action, Claims 1, 3-6, 8-36, 102, 103, and 133-142 were rejected under 35 U.S.C. §103(a) as unpatentable over Dorricott et al. (United Kingdom Patent No. 2 312 078, hereinafter “Dorricott”) in view of Patten et al. (U.S. Patent No. 6,408,301, hereinafter “Patten”); and Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Dorricott in view of Patten and further in view of Wilkinson (“Linking Essence and Metadata in a Systems Environment”); and Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Dorricott in view of Patten.

With regard to the rejection of Claim 1 as unpatentable over Dorricott in view of Patten, that rejection is moot due to the cancellation of Claim 1.

With regard to the rejection of Claims 16, 23, 29, 31, 33-35, 135, 141 and 142 as unpatentable over Dorricott in view of Patten, that rejection is respectfully traversed.

Claim 16 recites in part:

a first generator configured to generate first material identifiers for identifying respective pieces of material on the medium such that each piece is differentiated from other pieces on the medium;

a second generator configured to generate second identifiers for pieces of material, the second identifiers being generated in accordance with the first material identifiers and a recording medium identifier for identifying the recording medium upon which the material is recorded; and

a metadata generator configured to generate semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with a corresponding first

identifier and the recording medium identifier, the semantic metadata including descriptive information about an actual content of the material,

wherein ***the recorder is configured to record the first material identifiers, the second identifiers, and the semantic metadata on the recording medium with the video and/or audio material.***

The outstanding Office Action conceded that Dorricott does not teach or suggest the above highlighted feature and cited Patten as describing this feature.¹ That, Patten only describes saving and image tagged with metadata words entered by a user. Patten does not describe attaching ***first material identifiers, the second identifiers, and the semantic metadata*** on a recording medium with video and/or audio material. Accordingly, as Patten does not teach or suggest any device that records “first material identifiers,” “second identifiers,” ***and*** “semantic metadata” on a recording medium with video and/or audio material as recited in Claim 16, Patten does not teach or suggest “a recorder” as recited in Claim 16. Consequently, Claim 16 (and Claims 17-22 dependent therefrom) are patentable over Dorricott in view of Patten.

Claim 23 recites in part “the recorder is configured to record the second identifiers and the semantic metadata on the recording medium with the video and/or audio material.” Claim 31 recites in part “the recorder is configured to record the first material identifiers, the second identifiers, and the semantic metadata on the recording medium with the video and/or audio material.” Claims 33 to 35 recite in part “recording the first material identifiers, the second identifiers, and the semantic metadata on the recording medium with the video and/or audio material.” As noted above, neither Dorricott nor Patten teach or suggest these features. Consequently, Claims 23, 31, and 33-35 (and all claims dependent therefrom) are also patentable over Dorricott in view of Patten.

Claim 29 recites:

¹See the outstanding Office Action at page 4.

A recording medium *on which audio and/or video material is recorded, the medium having recorded thereon material identifiers identifying the recorded material*, the material identifiers being in user bits of time code recorded on the medium,

the medium including a substrate and a recording layer, the audio and/or video material being recorded in grooves in the recording layer,

the medium further including semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with a corresponding material identifier and a recording medium identifier, the semantic metadata including descriptive information about an actual content of the material,

wherein a reproducing apparatus accesses the material identifiers when reproducing the audio and/or video material.

As noted above, Patten does not describe that material identifiers *and* semantic metadata are stored with video material. Thus, Claim 29 (and Claim 30 dependent therefrom) is patentable over Dorricott in view of Patten. In a similar manner, the tape recited in Claim 135, the disk recited in Claim 137, and the memory recited in Claim 139 (and Claims 136, 138, and 140 dependent therefrom) are also patentable over Dorricott in view of Patten.

Claim 141 recites in part “the metadata generator configured to assign the semantic metadata into different categories and to prioritize recording of each of the different categories such that high priority categories are recorded a greater number of times than low priority categories.”

The outstanding Office Action asserted that Dorricott “has to inherently arrange the different types of metadata in a particular priority/category when recording the data in databases 5 and 6.” However, it is respectfully submitted that this conclusion is not *necessarily* true, as required by well settled case law regarding inherency rejections. For example, “[T]o establish inherency, *the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.*” Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result

from a given set of circumstances is not sufficient.”” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). In the present case, the outstanding Office Action does not provide any reasons or evidence proving that the device of Dorricott *necessarily* assigns the semantic metadata into different categories and prioritizes recording of each of the different categories such that high priority categories are recorded a greater number of times than low priority categories. In fact, there is no discussion anywhere in Dorricott of recording any data multiple times. Therefore, it is respectfully submitted that Dorricott does not inherently teach this feature.

In particular, Dorricott describes a system having a video editor which contains a relational database of editing decision lists (EDLs) and a store 1. The store contains a library of video material and is stored on a number of different means such as different VTRs and the like. In order to keep track of all the material in the store, a storage manager issues a Unique Material Identifier (UMID) to each piece of material. This store is separate to the databases 5 and 6 (see Figure 1).

Database 5 is connected to the editor 4 and stores EDLs. The EDLs are not audio/video. The EDLs simply provide a list of instructions to the storage manager to ensure that the manager can obtain and edit appropriate pieces of A/V together at the correct time. As noted on page 3, lines 23-24 of Dorricott, the EDL and material should be stored separately.

Database 6 is an archiving database. This database appears only to store data indicating where the video material is stored (see point e on page 4) and a picture stamp of the material.

It is respectfully submitted that Dorricott does not describe any problem that would be solved by arranging the different types of metadata into different priority/categories when recording the data. In this regard, it is respectfully submitted that the UMID and the EDLs

are not at all linked to the picture stamp, cited as “semantic metadata.” The picture stamp is simply there to allow quicker editing. Therefore, the picture stamp is produced independently of the EDL and UMID. This means that there is no discussion of the UMID and/or EDL inherently arranging the different types of metadata into different categories/priorities, and no need for such a feature either. Therefore, is respectfully submitted that Dorricott does not inherently teach this feature.

As the proposed combination does not teach or suggest, either explicitly or inherently, each and every feature of Claim 141, Claim 141 (and all claims dependent therefrom) are patentable over Dorricott in view of Patten.

Claim 142 recites in part “the metadata generator configured to generate non-semantic metadata, to estimate an importance of the semantic metadata and the non-semantic metadata, and to prioritize recording of the respective metadata on a basis of the estimated importance such that high importance categories are recorded a greater number of times than low importance categories.” The outstanding Office Action again apparently asserted that Dorricott inherently teaches or suggests this feature. Certainly, Dorricott does not explicitly describe that any data is recorded a greater number of times than any other data. Further, no reasoning or evidence has been provided proving that Dorricott ***must necessarily*** include this feature. Accordingly, a proper inherency rejection has not been made. As the proposed combination does not teach or suggest, either explicitly or inherently, each and every feature of Claim 142, Claim 142 (and all claims dependent therefrom) are also patentable over Dorricott in view of Patten.

If the present rejections of Claims 141 and 142 are maintained, it is respectfully requested that an explanation of why Dorricott must ***necessarily*** prioritize recording of the respective metadata on a basis of the estimated importance such that high importance

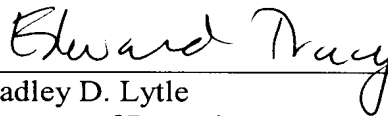
categories are recorded a greater number of times than low importance categories be provided in the next office communication for the purpose of facilitating the appeals process.

With regard to the rejection of Claim 7 as unpatentable over Patten and further in view of Wilkinson, it is noted that Claim 7 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that Wilkinson does not cure any of the above-noted deficiencies of Patten. Accordingly, it is respectfully submitted that Claim 7 is patentable over Patten and further in view of Wilkinson.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 07/09)

Edward W. Tracy, Jr.
Registration No. 47,998